

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

DANIEL KANG, )  
Plaintiff, ) CIVIL ACTION NO.:  
vs. ) 4:21-cv-111-RSB-CLR  
THE MAYOR AND THE ALDERMEN )  
OF THE CITY OF SAVANNAH )  
and ROY W. MINTER, JR., )  
CHIEF OF POLICE FOR THE )  
CITY OF SAVANNAH, GEORGIA, )  
in his individual and )  
official capacities, )  
Defendants. )

DEPOSITION OF

GARY VOWELL

2:23 p.m.

December 21, 2022

Savage Turner Pinckney Savage & Sprouse  
102 East Liberty Street  
Savannah, Georgia

Annette Pacheco, RPR, RMR, CCR-B-2153

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22 Also Present: Daniel Kang  
23 Octavio Arango

24 - - -  
25

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## 3 EXHIBIT 4

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1 (Reporter disclosure made pursuant to  
 2 Article 10.B of the Rules and Regulations of the  
 3 Board of Court Reporting of the Judicial Council  
 4 of Georgia.)

5 MR. KACHMAR: This will be the deposition  
 6 of Gary Vowell taken pursuant to notice and  
 7 agreement of counsel for all purposes allowed by  
 8 law.

9 Madam Court Reporter, could you swear the  
 10 witness, please.

11 GARY VOWELL,  
 12 having been first duly sworn, was examined and  
 13 testified as follows:

## EXAMINATION

## BY MR. KACHMAR:

16 Q. Mr. Vowell, good afternoon. My name is  
 17 Shawn Kachmar. I'm an attorney for Chief Roy Minter  
 18 in this lawsuit. Also on the line are counsel for  
 19 the City of Savannah.

20 Have you ever been deposed before?

21 A. Yes, sir.

22 Q. Okay. So you know how it goes. Because  
 23 we're on Zoom and there are technology lags,  
 24 etcetera, I will try to let you finish answering  
 25 before I ask a question. And, likewise, if you let

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1 me finish asking before you answer, we'll try to keep  
 2 a clear record for the court reporter; is that fair?

3 A. That's fair. Yes, sir.

4 Q. Okay. And I'm sure she will remind you,  
 5 but a yes or a no or a word as opposed to a nod of  
 6 the head or a murmur is better for the record. Okay?  
 7 A. That's correct. Yes, I understand.  
 8 Q. Great. I try to ask clear questions, but  
 9 sometimes I don't. If I ask you a question and you  
 10 don't understand the question, would you please tell  
 11 me that you don't understand or ask me for  
 12 clarification?

13 A. Sure. Yes, sir.

14 Q. Okay. And if I ask you a question and you  
 15 answer it, can I assume that you understood the  
 16 question?

17 A. Yes, sir.

18 Q. Okay. Thanks. Mr. Vowell, I reviewed the  
 19 August 17, 2021, report that you issued in this case.

20 Have you looked at that report since you issued it?

21 A. Yes, sir, I have.

22 Q. Okay. And let me ask you a few questions  
 23 about it. On page 1, paragraph 1 listed, it says  
 24 Qualifications. Do you see that?

25 A. Yes, sir.

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1 Q. All right. Is that a full and complete  
 2 list of all of your qualifications?

3 A. There's two additions that I failed to put  
 4 on there yet. I attended the Georgia Chiefs of  
 5 Police training in 2020. I think that was in Duluth,  
 6 Georgia. That was while I was serving as  
 7 commissioner of the Department of Public Safety. It  
 8 was a requirement.

9 And also I currently serve on the Georgia  
 10 DNR board and serve as a secretary of that board.

11 Q. Do you have a separate CV or resumé that  
 12 you keep current?

13 A. I'm sure my wife does, yes, sir. My  
 14 secretary, my wife.

15 Q. If you remember, if you could get that to  
 16 Mr. Savage's office.

17 A. Yes, sir.

18 Q. Thank you. Are you currently employed?

19 A. Not full time, no, sir.

20 Q. Okay. And you serve as an expert witness  
 21 on a part-time basis?

22 A. Yes, sir.

23 Q. Okay. And you also serve on the Georgia  
 24 DNR board?

25 A. That's correct.

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1	<p>Q. Do you served on any other boards or 2 commissions?</p> <p>3 A. Not at this time. No, sir.</p> <p>4 Q. Okay. Starting at the bottom of page 1 of 5 your report and over to page 2, there's a list of 6 matters in which you state you've testified as an 7 expert witness in state and federal courts in the 8 last five years. Is that a full and complete list of 9 all matters where you either served as a testifying 10 expert or otherwise?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay.</p> <p>13 A. I have other pending cases, but, yes, sir, 14 I've served on these.</p> <p>15 Q. Okay. So did you issue an expert opinion 16 in each of the cases listed?</p> <p>17 A. Best of my knowledge, yes, sir. It would 18 be in the file.</p> <p>19 Q. Okay. And you've also issued an expert 20 opinion in this case; correct?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Are there any other cases where you issued 23 either a written expert opinion or given testimony 24 and verbally presented an expert opinion other than 25 what's listed in your expert report and in this case?</p>	<p>1 1 Savannah at the time, discriminated against 2 Officer Kang because of his race?</p> <p>3 A. Not that I'm familiar with, no, sir.</p> <p>4 Q. Okay. In the report on page 2, paragraph 5 3, you list materials reviewed, and the items listed 6 are the complaint. I assume by that you mean the 7 complaint filed in this lawsuit; correct?</p> <p>8 A. That's correct, yes, sir.</p> <p>9 Q. Okay. You list a motion to dismiss filed 10 by Chief Minter, an answer filed by the City of 11 Savannah, 26(a) disclosures by the defendants and 12 Mr. Kang, information provided by the city pursuant 13 to the Freedom of Information Act request and 14 Mr. Kang's affidavit dated August 17, 2021. Do you 15 see that --</p> <p>16 A. Yes, sir.</p> <p>17 Q. -- list of materials?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. Did you review any other materials 20 other than what's listed here prior to drafting and 21 issuing your expert report?</p> <p>22 A. The only other materials that I've 23 reviewed other than what's listed here is a report by 24 Arango, Officer Arango, and a time line.</p> <p>25 Q. Okay. Who gave you those pieces of</p>
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8		10
1	<p>A. No, sir. I think that's complete.</p> <p>2 Q. All right. Let me ask you about the 3 report itself. Did you write the report or did 4 someone send you a template?</p> <p>5 A. I wrote the report. It's my report.</p> <p>6 Q. Okay. Did you work with Mr. Register at 7 all in drafting your report?</p> <p>8 A. No, sir.</p> <p>9 Q. Did you share any drafts of your report 10 with anyone before you issued a final report?</p> <p>11 A. I sent the report to, directly to Brent.</p> <p>12 Q. The final or a draft?</p> <p>13 A. This is the final, yes, sir.</p> <p>14 Q. Did you send any draft reports to anyone?</p> <p>15 A. No, sir.</p> <p>16 Q. Okay. So the only report you ever shared 17 with Mr. Kang's attorneys is your final report; is 18 that correct?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Did you assist Mr. Register with drafting 21 his report?</p> <p>22 A. No, sir.</p> <p>23 Q. Mr. Vowell, as we sit here today, do you 24 have any personal knowledge that Chief Minter or 25 Pat Monahan, the city manager for the City of</p>	<p>1 information? Were they documents?</p> <p>2 A. Yes, sir. Mr. Savage provided them for 3 me.</p> <p>4 MR. KACHMAR: So, Brent, I want to be 5 careful. I don't want to ask about anything 6 that's privileged.</p> <p>7 MR. SAVAGE: Yeah. No. No. Ask away. I 8 mean, I think that this is not a guy who's a 9 professional witness. So I think your question 10 was did he look at anything prior to issuing his 11 report.</p> <p>12 He -- I think he got Kang's time line 13 after he issued the report, and I think he's got 14 Arango's. Basically what it is is Arango's 15 Power Point for his appeal. And I'll give you 16 both those if you don't have them already.</p> <p>17 Q. (By Mr. Kachmar) Well, to your knowledge, 18 Mr. Vowell, were both of those documents or pieces of 19 information shared as discovery in this case?</p> <p>20 MR. KACHMAR: And maybe, Brent, you need 21 to answer that.</p> <p>22 MR. SAVAGE: Darn if I know. I mean, I 23 don't really do discovery very much. But --</p> <p>24 MR. KACHMAR: Let's do this.</p> <p>25 Q. (By Mr. Kachmar) Mr. Vowell, I'll also</p>
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1 ask that those two additional materials, the report  
 2 by Mr. Arango and the time line you referenced, if  
 3 you could ensure you send them to Mr. Savage, and  
 4 then he can determine whether to produce them or not.

5 MR. SAVAGE: I know what they are. We'll  
 6 produce them to you at the first break.

7 MR. KACHMAR: Okay.

8 Q. (By Mr. Kachmar) Mr. Vowell, did you  
 9 review the audio or the transcript of Officer Kang's  
 10 interview with internal affairs related to this  
 11 appeal incident?

12 A. No, sir. I've not seen that video.

13 Q. Okay. Well, it was audio.

14 A. Audio.

15 Q. There was also a written transcript.

16 Okay.

17 Did you review any body-worn camera  
 18 footage?

19 A. From the scene, yes, sir.

20 Q. Okay. Do you recall whose body-worn  
 21 camera footage it was?

22 A. Some was Officer Arango, and I think the  
 23 majority of it was Kang.

24 Q. So the best of your recollection, you've  
 25 reviewed at least two different videos from Kang and  
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1 from Arango?

2 A. Yes, sir.

3 Q. Okay. And how was that provided to you?

4 Was it on a flash drive? Was it on a CD? Was it  
 5 uploaded?

6 A. Flash drive.

7 Q. Okay. And did you review that before or  
 8 after drafting and issuing your report?

9 A. Before.

10 Q. Okay. Did you review the Power Point  
 11 Officer Kang used at various stages prior to his  
 12 termination in which he lists some mitigating factors  
 13 he wanted considered?

14 A. No, sir. Not prior.

15 Q. Did you review the testimony of  
 16 Richard Register in this case?

17 A. No, sir.

18 Q. Okay. During Mr. Register's deposition, I  
 19 asked him whether Chief Minter, as chief of police,  
 20 at the time had the authority to make discipline  
 21 decisions regarding Officer Kang, and he said that he  
 22 did. Would you agree with Mr. Register?

23 A. No, sir.

24 Q. Why not?

25 A. The chief of police is not a  
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1 constitutional officer. He's appointed. And subject  
 2 to any policies and procedures, I presume that the  
 3 chief of police has to run that by the city council,  
 4 if you will. And any decision he makes, I would  
 5 assume that the county -- the city government would  
 6 have -- would need to be notified.

7 Q. Okay. When you were -- strike that.

8 What's your opinion of what authority, if  
 9 any, the chief of police for the City of Savannah has  
 10 in making discipline decisions for officers in the  
 11 department?

12 A. In this particular incident or overall?

13 Q. Just generally.

14 A. Sure, at times. It's according to the  
 15 circumstances. But I don't know what their complete  
 16 policy is.

17 Q. Mr. Register also said that based on what  
 18 he had reviewed of Officer Kang's conduct during the  
 19 Faitele incident, that some form of discipline might  
 20 be reasonable. Would you agree with that?

21 A. I agree.

22 Q. Mr. Vowell, have you had any contacts with  
 23 any appointed or elected officials with the city of  
 24 LaGrange in relation to this case?

25 A. I vaguely know the police chief. He  
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1 taught a block in the -- in the Georgia Chiefs of  
 2 Police school, and also he served on the Board of  
 3 Public Safety while I was commissioner of the  
 4 Department of Public Safety.

5 Q. Okay. Are you talking about  
 6 Chief Deckmar?

7 A. That's correct.

8 Q. Okay. My question was: Have you had any  
 9 contact with any appointed or elected officials with  
 10 the city of LaGrange in relation to this case?

11 A. No, sir.

12 Q. In issuing your expert report, did you  
 13 rely upon or refer to any national or state  
 14 guidelines or recommended best practices that would  
 15 apply or inform your opinion?

16 A. I based my opinions on my work experience  
 17 and my almost 40 years of law enforcement and  
 18 especially majority of that spent in supervision.

19 Q. Okay. So the answer is no?

20 A. No.

21 Q. You've relied on your experience?

22 A. That's correct.

23 Q. Okay. One of your opinions is that  
 24 Chief Minter should not have been involved in the  
 25 discipline or firing of Officer Kang; correct?

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1 A. That's correct.  
 2 Q. I'm sorry?  
 3 A. He should not have, that's correct.  
 4 Q. Okay. And, in part, you base that opinion  
 5 on what you said was a conflict of interest that  
 6 Chief Minter had because Officer Kang had  
 7 participated in a group complaint filed with the city  
 8 about the chief and also an individual complaint;  
 9 correct?  
 10 A. That's correct.  
 11 Q. Okay. Would you agree that if the group  
 12 complaint or the individual complaints had not been  
 13 filed, Chief Minter had the authority to make  
 14 discipline decisions regarding Officer Kang?  
 15 A. No. I can't make that determination.  
 16 Q. Why not?  
 17 A. You can't unring the bell. There's other  
 18 reasons that's in my report why he should not have  
 19 fired Kang other than conflict of interest.  
 20 Plus, as stated in here, this -- this  
 21 report could change as the case progresses.  
 22 Q. Okay. Mr. Vowell, I didn't ask you if he  
 23 should have fired Officer Kang. What I asked you  
 24 specifically was if the -- if the group complaint and  
 25 individual complaint had not been filed, did the

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1 chief of police have the authority to make a  
 2 discipline decision regarding Officer Kang?  
 3 MR. SAVAGE: You didn't talk, Shawn, about  
 4 objections and all. I object to your question.  
 5 Once, as Barefield said in his sworn testimony  
 6 two weeks ago, they came to the conclusion that  
 7 there's potential criminal liability for Kang  
 8 and Arango, they never should have gone forward  
 9 with any disciplining.  
 10 MR. KACHMAR: All right. What's your  
 11 objection, Mr. Savage?  
 12 MR. SAVAGE: That's my objection. I mean,  
 13 you just can't ask these questions that don't  
 14 bear on the facts in the case and then try to  
 15 sweep in with a federal judge to get summary  
 16 judgment.  
 17 Q. (By Mr. Kachmar) Mr. Vowell, you can go  
 18 ahead and answer the question.  
 19 A. Repeat your question again, please.  
 20 Q. If the -- if the group complaint and  
 21 individual complaint had not been filed, did the  
 22 chief of police have the authority -- say there was  
 23 no conflict of interest -- does the chief of police  
 24 have the authority and ability to make a discipline  
 25 decision about Officer Kang?

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1 A. No, sir. I don't think so.  
 2 Q. Okay. And your opinion is based on  
 3 whatever's in your report; correct?  
 4 A. Yes, sir.  
 5 Q. Are there any factors other than what's in  
 6 your report that you're relying on to make your  
 7 answer right now?  
 8 A. Well, I've not been provided with  
 9 information concerning the Douglas Factors, and I've  
 10 seen no -- no letter of --  
 11 MR. SAVAGE: Transmittal.  
 12 A. Committal from them.  
 13 MR. SAVAGE: Transmittal.  
 14 A. Transmittal. I'm sorry. And no evidence  
 15 that they were ever explained, Officer Kang was ever  
 16 explained what the allegations were against him prior  
 17 to his administrative hearing.  
 18 Q. (By Mr. Kachmar) All right. Mr. Vowell,  
 19 apparently I'm not being clear. I'm not asking you  
 20 about process or the substance of the decision. I'm  
 21 just asking a basic question. Does the chief of  
 22 police have the authority to make a discipline  
 23 decision?  
 24 MR. SAVAGE: I'm going to object -- I'm  
 25 going to object to that. I mean, you're just

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1 taking all the facts out of the case. Minter  
 2 broke his own policies. He can't discipline  
 3 people when he breaks his own policies.  
 4 MR. KACHMAR: Mr. Savage, what is your  
 5 specific objection? I object to your talking  
 6 objections trying to coach the witness.  
 7 MR. SAVAGE: I'm not trying to coach  
 8 anybody. Your questions are unfair. I talked  
 9 to you about whether Minter wanted to try to  
 10 settle this case. You never get back to me.  
 11 The city's elicited listed settlement  
 12 discussions. So --  
 13 MR. KACHMAR: There's no requirement that  
 14 questions be fair. If you have an objection,  
 15 make your objection. Please stop your speaking  
 16 objections trying to coach the witness.  
 17 MR. SAVAGE: I'm not trying to coach him.  
 18 But I would never go on record as a lawyer in  
 19 this state saying it's no -- I have no  
 20 requirement that my questions be fair.  
 21 MR. KACHMAR: Okay.  
 22 MR. SAVAGE: That's outrageous that  
 23 lawyers don't have to be fair.  
 24 MR. KACHMAR: You have your objection.  
 25 Q. (By Mr. Kachmar) Mr. Vowell, are you

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1 going to answer my question or not?  
 2 A. I answered your question. I said no.  
 3 Q. Okay. If the evidence in the case showed  
 4 that Mr. -- that Chief Minter had no knowledge that  
 5 Officer Kang signed the group complaint or submitted  
 6 an individual complaint, would your opinion change at  
 7 all?  
 8 A. No.  
 9 Q. Why?  
 10 A. I'm not being coached by Mr. Savage. I'm  
 11 quite familiar with policies. If you set policies,  
 12 you follow your own policies. You don't say don't do  
 13 as I do, do as I say do. And that's exactly what  
 14 Chief Minter did.  
 15 He has -- he has the legal position that  
 16 he has -- he needs or should excuse himself from  
 17 this particular case. And I know you didn't ask for  
 18 an explanation. I apologize.  
 19 Q. Let me ask it a different way then. Your  
 20 opinion is that Chief Minter had a conflict of  
 21 interest because Officer Kang had submitted an  
 22 individual complaint and signed the group complaint;  
 23 correct?  
 24 A. That's correct.  
 25 Q. Is it your -- is it your opinion that

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20  
 1 Chief Minter would still have a conflict of interest  
 2 if he had no knowledge that Officer Kang had signed  
 3 the group complaint or submitted the individual  
 4 complaint?  
 5 A. Would he still have the authority?  
 6 Q. Would he still have a conflict of  
 7 interest?  
 8 MR. SAVAGE: That's a legal conclusion.  
 9 So that's my objection.  
 10 A. I don't know.  
 11 Q. (By Mr. Kachmar) Is it your opinion that  
 12 if any employee of a police department submits a  
 13 complaint to human resources, that any supervisor  
 14 above that employee would not be permitted to make  
 15 personnel decisions about that employee?  
 16 MR. SAVAGE: Let me -- let me object to  
 17 that question. This -- these are complaints  
 18 against Minter personally. So that question is  
 19 not going to any of the facts in this case.  
 20 Q. (By Mr. Kachmar) Mr. Vowell, you can  
 21 answer the question.  
 22 A. Could you repeat the question.  
 23 Q. Is it your opinion that if any employee  
 24 within a police department files a complaint with  
 25 human resources about someone above them in the chain

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1 of command, that no one in that chain of command can  
 2 make a personnel decision about that employee?  
 3 A. That's my opinion, yes, sir.  
 4 Q. Okay. And would your -- does your opinion  
 5 change if the person in the chain of command did or  
 6 did not have knowledge of the complaint?  
 7 A. If they didn't have knowledge, I wouldn't  
 8 have any heartburn about it.  
 9 Q. In paragraph 1 of your opinion -- I'm  
 10 sorry. It's 1, 2, page 3, paragraph 4 is titled  
 11 Opinions. And then under that section, paragraph 1  
 12 starts off with "Roy Minter should not have." Do you  
 13 see that paragraph, sir?  
 14 A. I'm with you.  
 15 Q. Okay. At the end of that paragraph, you  
 16 said, "The fact that the city manager would review  
 17 the firing of Dan Kang in no way absolves the actions  
 18 of Roy Minter in participating in the firing of  
 19 Dan Kang."  
 20 And then here's the sentence I'm curious  
 21 about: "This includes having any input with internal  
 22 affairs or any review panel deciding Daniel Kang's  
 23 fate for the April 14, 2020, incident at issue in  
 24 this case."  
 25 Can you explain to me what you mean by

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22  
 1 that last sentence?  
 2 A. Well, I believe internal affairs had  
 3 recommended suspension of five days. And I believe,  
 4 according to what I reviewed and seen, that would  
 5 have been a proper, more proper form of discipline  
 6 than firing.  
 7 Q. So you agree that some form of discipline  
 8 was okay. You disagree about the severity of  
 9 discipline in this case; is that correct?  
 10 A. Yes.  
 11 Q. Do you have any --  
 12 MR. SAVAGE: Well, let me -- let me put  
 13 this objection on. He don't follow policies.  
 14 THE COURT REPORTER: I'm sorry.  
 15 Mr. Kachmar, there was some talking over here.  
 16 If you could start over.  
 17 MR. KACHMAR: Okay. Sure.  
 18 Q. (By Mr. Kachmar) Mr. Vowell, do you have  
 19 any evidence or are you aware of any evidence that  
 20 Chief Minter gave direction to internal affairs or to  
 21 the discipline review panel in this case about what  
 22 decisions either one of them should make?  
 23 A. I do not have any physical evidence to  
 24 address that.  
 25 MR. SAVAGE: He's not following his own

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1 policies.

2 A. Other than Roy Minter didn't follow his  
3 own -- own policies. That's made the heartburn I  
4 have with it, with his discipline.

5 Q. (By Mr. Kachmar) So in paragraph 2 of  
6 your opinion, the second sentence, you said: "The  
7 video of the encounter with Dan Kang and his  
8 affidavit shows the city had not provided Mr. Kang  
9 with appropriate personal gear." Do you see that?

10 A. I do.

11 Q. Okay. So just to be clear, when you say  
12 "the video of the encounter with Dan Kang," you're  
13 talking about either Dan Kang or Officer Arango's  
14 body-worn camera footage from the incident; is that  
15 correct?

16 A. Yes, sir.

17 Q. Okay. Would your opinion change at all if  
18 the evidence was that Officer Kang and Officer Arango  
19 were told to go to the quartermaster for any  
20 equipment they might need?

21 A. I'm not privy to that, if they had that  
22 information given to them or not. And I'm not going  
23 to answer the question on what should have and who  
24 should have issued what.

25 Q. Were you actively employed in April of  
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1 A. And remember.

2 Q. Do you have any -- do you have any  
3 specific evidence of what PPE related to COVID  
4 specifically was available to the Savannah Police  
5 Department in April of 2020?

6 A. No, sir.

7 Q. In paragraph 4 of your opinion, you said  
8 that the officers wanted to charge Mr. Faitele with  
9 obstruction and simple battery and, quote, these  
10 charges were agreed to by their superiors only to be  
11 countermanded by Chief Minter. Do you see that?

12 A. I see it.

13 Q. What evidence did you rely on to state  
14 that the charges were countermanded by Chief Minter?

15 A. In, I believe it was in Daniel Kang's time  
16 line of events or his affidavit. I can't remember  
17 which it was.

18 Q. But it wasn't direct evidence; correct?  
19 It was either Mr. Kang's affidavit or a time line  
20 here someone had put together; correct?

21 MR. SAVAGE: I don't know what direct  
22 evidence is. I mean, if you're calling Kang a  
23 liar who helped serve on four tours of duty in  
24 the Middle East and is assigned to Centcom.

25 MR. KACHMAR: Mr. Savage, what's your  
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1 2020?

2 A. I was.

3 Q. What was your position?

4 A. As I explained to you earlier, I was the  
5 commissioner of the Department of Public Safety and  
6 the colonel of the Georgia State Patrol.

7 Q. Did all of the officers in the Department  
8 of Public Safety and Georgia State Patrol have full  
9 access to PPE in April of 2020?

10 A. To the best of my recollection, we did.  
11 And, also, we shipped, flew, trucked PPE all over the  
12 state of Georgia to first responders and law  
13 enforcement.

14 Q. Do you recall if any of that was shipped  
15 to the Savannah Police Department?

16 A. I can only assume that they received some.  
17 I'm not --

18 MR. SAVAGE: If they asked for it.

19 A. -- sure.

20 Q. (By Mr. Kachmar) All right. Would you  
21 agree that in the first six months of 2020 when COVID  
22 was really starting to hit, that there were some PPE  
23 shortages around the state of Georgia?

24 A. Yes, sir. I understand.

25 Q. Okay.

1 objection?

2 MR. SAVAGE: What's direct evidence? I  
3 mean, he signed affidavits. I don't know what  
4 the answer to that is.

5 MR. KACHMAR: Okay. I'm asking Mr. Vowell  
6 what he relied on in making that statement.

7 MR. SAVAGE: And he gave you the answer.  
8 And you said, well, that's not direct evidence.  
9 I don't think that's --

10 Q. (By Mr. Kachmar) Do you have any personal  
11 information that Chief Minter countermanded --

12 MR. SAVAGE: He's told you what his  
13 evidence was.

14 Q. (By Mr. Kachmar) -- those recommendations?

15 A. I've answered that question, sir.

16 Q. No, you haven't. I've asked you if you  
17 have any personal information that Chief Minter  
18 countermanded those recommendations.

19 MR. SAVAGE: He's answered your question.  
20 He's told you what it is. It's Kang's time line  
21 and Kang's affidavit. And an --

22 Q. (By Mr. Kachmar) The answer to the  
23 question is no; correct?

24 MR. SAVAGE: -- and an affidavit is direct  
25 evidence.

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1 Q. (By Mr. Kachmar) Mr. Vowell, the answer  
 2 to my question is no; correct?  
 3 MR. SAVAGE: No, he's answered your  
 4 question.  
 5 A. I'm going to rely on my -- my prior answer  
 6 that I feel like I've answered your question.  
 7 Q. (By Mr. Kachmar) Okay. Paragraph 6 of  
 8 your opinion starts off "In paragraphs 8 to 13 of  
 9 Daniel Kang's affidavit." Do you see that paragraph,  
 10 sir?

11 A. Yes, sir.  
 12 MR. SAVAGE: Let me get Kang's affidavit  
 13 for you. Do you have it?

14 Q. (By Mr. Kachmar) And that entire  
 15 paragraph is about Officer Adrian Gates; correct?

16 MR. SAVAGE: Hold on just a second.  
 17 Shawn. I'm trying to get him the affidavit.  
 18 A. I left my affidavit of Kang in another  
 19 office. But your question was does the whole  
 20 paragraph pertain to Officer Adrian Gates? Is  
 21 that -- was that your question?

22 Q. (By Mr. Kachmar) Yeah. It was a poor  
 23 question. So paragraph 6 of your opinion is about  
 24 Officer Gates. And then you give some opinions about  
 25 Gates's discipline versus Kang's discipline; correct?

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28  
 1 A. That's correct.  
 2 Q. Okay. So my question is: In relying --  
 3 in forming your opinion, paragraph 6, did you rely  
 4 entirely on Daniel Kang's affidavit?

5 A. I did.  
 6 Q. Okay. Did you review Officer Gates's --  
 7 any files related to Officer Gates before reaching  
 8 your opinion?

9 A. I've not been provided any.

10 Q. Are you aware that Officer Gates was  
 11 fired?

12 MR. SAVAGE: Eventually.

13 A. Mr. Savage said eventually, but I had no  
 14 information or knowledge that he was fired back in  
 15 2020.

16 Q. (By Mr. Kachmar) As we sit here today,  
 17 can you state whether the conduct of Officer Kang was  
 18 accused of and the conduct Officer Gates was accused  
 19 of was the same or similar?

20 A. No, sir.

21 MR. SAVAGE: No, sir, you can't? Or no,  
 22 sir, you don't believe it?

23 A. I don't believe it.

24 Q. (By Mr. Kachmar) All right. You said  
 25 earlier that one of your criticisms of Chief Minter

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1 was that he failed to follow policy; correct?  
 2 A. Correct.  
 3 Q. Okay. Did you review OPS 16, which is the  
 4 document governing internal affairs complaints and  
 5 discipline?

6 A. I did.

7 Q. Did you review the draft policy as well?  
 8 A. I have OPS 016 Office of Professional  
 9 Standards, August 29th, 2018.

10 Q. Is that the only policy you reviewed?

11 A. That's the only one I have. I've not seen  
 12 any amendments to it.

13 Q. Okay. In paragraph 7 of your opinion,  
 14 sir, you say: "It's my understanding Chief Minter  
 15 used, in part, draft policies in disciplining firing  
 16 Daniel Kang." Do you see that in your opinion?

17 A. Yes, sir.

18 Q. Okay. What draft policies are you  
 19 referring to?

20 A. I'm not sure, but I think it's in Kang's  
 21 time line. I can't be for certain, but I believe  
 22 that's where I obtained that information.

23 Q. Okay. Did you review the actual draft  
 24 policy or did you just rely on Officer Kang's  
 25 statement that draft policies were used?

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1 A. I used what I was provided, which was  
 2 Arango's time line -- Arango's time line,  
 3 Daniel Kang's time line and Kang's affidavit.

4 MR. SAVAGE: I've given him excerpts of  
 5 depositions since then. So, I mean I --

6 Q. (By Mr. Kachmar) As you sit here today,  
 7 in forming your opinion, you don't recall whether you  
 8 reviewed draft policies; is that accurate?

9 A. That's accurate.

10 Q. Okay. So please describe for me why your  
 11 opinion is that Chief Minter failed to follow policy.

12 MR. SAVAGE: I gave you Gavin's  
 13 deposition.

14 Q. (By Mr. Kachmar) Are you being handed  
 15 some documents, sir?

16 A. No, sir. This is my documents I brought  
 17 myself. You know, if you want to see my documents,  
 18 sir, you should have been here. I am not relying on  
 19 anybody's notes. Okay?

20 Q. I'm just asking what you're referring to.

21 A. No, you didn't.

22 Q. Yes, I did.

23 A. You asked me if somebody was handing me  
 24 notes.

25 Q. I said -- I'm asking you what documents

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1 you're looking at.  
 2 A. Right now I'm looking at Daniel Kang's  
 3 time line. Okay? I didn't bring my complete file in  
 4 here because it's about that thick.  
 5 Q. Okay. Well, Mr. Savage also said he was  
 6 looking for some documents to hand you. I just want  
 7 to make sure we understand what you're looking at  
 8 while you're testifying.

9 MR. SAVAGE: I don't think I said to hand  
 10 to him. I said he doesn't have Kang's affidavit  
 11 in front of him.

12 Q. (By Mr. Kachmar) So my question was:  
 13 Please describe for me what -- how you came to the  
 14 opinion that Chief Minter failed to follow policy?

15 A. Well, why don't you refer back to my first  
 16 opinion to answer that question. Plus I've got  
 17 Gavin's --

18 MR. SAVAGE: Deposition.

19 A. -- deposition, which I haven't reviewed in  
 20 full. Don't hold me to it that I gained that from  
 21 Arango's appeal for termination or anything. It  
 22 could be I don't remember right off if that was in  
 23 the affidavit or in the deposition.

24 Q. (By Mr. Kachmar) Okay. So after you  
 25 issued your opinion before your testimony today,

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32  
 1 you've been provided additional information that has  
 2 informed some of your testimony today; is that  
 3 correct?

4 A. I've received some information after I've  
 5 made my report and wrote my opinions.

6 Q. Okay. Has any of that information changed  
 7 any of your opinions in your August 17, 2021, expert  
 8 report?

9 A. No, sir.

10 Q. What -- what policies did Chief Minter not  
 11 follow?

12 A. The policies he put in place and the  
 13 policies -- well, he would change, according to what  
 14 I've read, he would change policies in mid-stream, if  
 15 you will. Like I said, policies and procedures  
 16 should be approved by a governing body, not just put  
 17 in place by an appointed police chief. They can  
 18 surely take his recommendations.

19 Q. So are you saying that the Savannah city  
 20 council should have reviewed and approved any  
 21 policies that apply to the Savannah Police  
 22 Department --

23 A. I do.

24 Q. -- before they go into effect?

25 A. I would think so.

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1 Q. Is it also your opinion that the Savannah  
 2 city council should review and approve any personnel  
 3 decisions made by the chief of police before they're  
 4 final?

5 A. I don't know what the city's policy is on  
 6 what's required of the chief to provide them.  
 7 Surely, I would think he would notify them of any and  
 8 all disciplinary actions of severity to them.

9 Q. Have you served as the -- the head of any  
 10 organizations or departments in an appointed capacity  
 11 and not in an elected capacity?

12 A. I have.

13 Q. Okay. Did you have the -- and which --  
 14 tell me which organizations you were the head of in  
 15 an appointed capacity rather than elected?

16 A. The Department of Public Safety, colonel.  
 17 MR. SAVAGE: I sent you this.

18 Q. (By Mr. Kachmar) In any -- were any of  
 19 the policies that you believe Chief Minter failed to  
 20 follow pertinent to the decision to discipline or  
 21 terminate Officer Kang?

22 MR. SAVAGE: Let me object to the form of  
 23 that question. I mean, you have not filed  
 24 Douglas Factors. You have not find LOTs in this  
 25 stuff. And you guys want to put these people on

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1 the street.

2 MR. KACHMAR: Mr. Savage, I object to your  
 3 speaking objections. You objected to the form.  
 4 It's on the record.

5 Q. (By Mr. Kachmar) Mr. Vowell, you can  
 6 answer the question.

7 MR. SAVAGE: Well, you've self-admitted  
 8 that it's not important to ask fair questions.

9 I would say you're following through on that.

10 Q. (By Mr. Kachmar) Mr. Vowell, you can  
 11 answer the question.

12 A. Well, repeat the question. I forgot  
 13 again.

14 Q. Were any -- your statement earlier was  
 15 Chief Minter failed to follow policy.

16 A. Right.

17 Q. My question earlier was what policies, and  
 18 you didn't specify specific policies.

19 A. His own policy.

20 Q. I'm sorry?

21 A. I'm sorry. His own policies.

22 Q. What are his own policies? I certainly  
 23 don't have the whole department list of policies in  
 24 affidavit or sworn testimony. I even had -- can I  
 25 expound on your --

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1           **MR. SAVAGE:** Yeah, you can answer it any  
2           way you want.  
3           A. The information provided to me was that  
4           Chief Minter did not follow internal affairs  
5           recommendation or this CARES, CARES committee that he  
6           appointed and put together.  
7           **MR. SAVAGE:** City council did.  
8           A. And didn't -- it's just my opinion he  
9           broke the policies that he had set forth for himself  
10           and his department.  
11           Q. (By Mr. Kachmar) Okay. So you've  
12           identified the internal affairs policy. Are there  
13           any other policies you can specifically identify that  
14           Chief Minter failed to follow?  
15           A. The Douglas Factors and the letter of  
16           transmittal.  
17           Q. Okay. Anything else?  
18           A. Not at this time.  
19           Q. So even if Chief Minter failed to follow  
20           policy, Officer Kang had an opportunity to cure in  
21           his appeals to both the chief and to the city  
22           manager; is that right?  
23           **MR. SAVAGE:** I object to that. Those are  
24           all legal conclusions whether you can ever use  
25           policies that haven't been adopted, whether you

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1           can break constitutional laws and then we got to  
2           cure it.  
3           **MR. KACHMAR:** I object to your speaking  
4           objections. State your objection. It's on the  
5           record.  
6           Q. (By Mr. Kachmar) Mr. Vowell, you can  
7           answer.  
8           **MR. SAVAGE:** Well, you should have put  
9           stipulations at the beginning of the deposition  
10           if you wanted to limit me.  
11           **MR. KACHMAR:** There are standard rules  
12           that apply, Mr. Savage.  
13           **MR. SAVAGE:** Well, they're not to say --  
14           **MR. KACHMAR:** Speaking objections are not  
15           appropriate and you know it.  
16           Q. (By Mr. Kachmar) Mr. Vowell, you can  
17           answer the question.  
18           A. And your question was?  
19           Q. Even if Chief Minter failed to follow  
20           policy, didn't Mr. Kang have an opportunity -- wasn't  
21           there a cure opportunity in Mr. Kang's appeals to the  
22           chief of police and to the city manager?  
23           A. I would certainly hope so. No. But I  
24           don't think he was afforded that.  
25           Q. Were you present at Officer Kang's appeal

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1           hearing with the chief of police?  
2           A. Not hardly.  
3           Q. Do you know anybody who was at that  
4           meeting?  
5           A. No, sir.  
6           Q. Okay. Do you know -- do you know the list  
7           of people who were at that meeting?  
8           A. No, sir.  
9           Q. Were you present at Officer Kang's appeal  
10           hearing with the city manager?  
11           **MR. SAVAGE:** You know the answer's no.  
12           We'll stipulate to that.  
13           Q. (By Mr. Kachmar) Mr. Vowell, you can  
14           answer the question.  
15           A. No.  
16           Q. Okay. Do you know who was at that  
17           meeting?  
18           A. No.  
19           Q. Do you know what materials --  
20           A. No.  
21           Q. -- were presented or discussed at that  
22           meeting?  
23           A. I do not.  
24           Q. Would you describe everything Officer Kang  
25           did during this appeal incident as a best practice?

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1           A. I couldn't. I couldn't speak for Kang.  
2           Q. Well, as a law enforcement -- as someone  
3           who's worked in law enforcement for decades and has  
4           lots of leadership experience, would you consider  
5           what he did as a best practice for a police officer?  
6           A. Are you referring to the incident or are  
7           you referring to his appeal?  
8           Q. No. The incident with Mr. Faitele.  
9           A. I think I've answered that question for  
10           you by saying some form of discipline I agreed with.  
11           **MR. KACHMAR:** Mr. Vowell, that's all I  
12           have right now. Counsel for the city may have  
13           some questions for you. Thank you for your  
14           time.  
15           **THE WITNESS:** Thank you. Yes, sir.  
16           **MR. O'CONNOR:** I'm Pat O'Connor nor.  
17           **MR. SAVAGE:** He wants to take a quick  
18           break to use the restroom, Pat.  
19           **MR. O'CONNOR:** Yeah, no problem.  
20           (Recess from 3:11 p.m. to 3:18 p.m.)  
21           **EXAMINATION**  
22           **BY MR. O'CONNOR:**  
23           Q. Mr. Vowell, as I was saying, I'm  
24           Pat O'Connor. Along with Patty Paul, we represent  
25           the city.

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1 A. Yes, sir.  
 2 Q. Just a few questions. On the cases you  
 3 listed that you have worked on in the disclosure --  
 4 A. Yes, sir.  
 5 Q. -- how many of those involve Mr. Savage or  
 6 his firm?  
 7 A. All of them.  
 8 Q. All right. And I know one of them is  
 9 being defended by my firm, Christopher Davis versus  
 10 Sheriff McDuffy at Effingham County?  
 11 A. Yes, sir.  
 12 Q. Have you been involved in any other cases  
 13 either against or for my law firm, Oliver Maner?  
 14 A. I don't recall any.  
 15 Q. Okay. The opinions in your report that  
 16 Mr. Kachmar was asking you about, the one dated  
 17 August 17th, 2021 --  
 18 A. Yes, sir.  
 19 Q. -- I think you made this clear, but I want  
 20 to be sure I heard it correctly -- those are still  
 21 your opinions at this time; correct?  
 22 A. Yes, sir.  
 23 Q. And even though you reviewed some  
 24 additional materials, at this time you have not  
 25 changed any of those opinions?

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1 A. That's correct, sir.  
 2 Q. And you said at one point during the first  
 3 part of your deposition that you -- I apologize about  
 4 that phone. It'll stop in a second. You said that  
 5 this report could change as the case progresses.  
 6 Is there anything today that you know of  
 7 you need to review that might affect your report?  
 8 A. I haven't read a couple of depositions.  
 9 Just parts of them. I would certainly put some  
 10 weight in there if it applied to any of my opinions.  
 11 Q. Can we agree to this? That if you review  
 12 something that changes your report, will you either  
 13 provide an updated report or some kind of written  
 14 disclosure through Mr. Savage of what changes there  
 15 are?  
 16 A. Yes, sir. I sure will.  
 17 Q. Thank you. Now, you said -- were you the  
 18 commissioner -- was your position commissioner of the  
 19 Department of Public Safety?  
 20 A. Yes, sir.  
 21 Q. So as commissioner of the Department of  
 22 Public Safety, were there times when you would adopt  
 23 policies?  
 24 A. Sure. Made amendments to policies, yes,  
 25 sir.

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1 Q. And as commissioner, you could amend  
 2 policies or adopt new policies or delete policies as  
 3 you saw fit; correct?  
 4 A. That's correct.  
 5 Q. Would you -- was it necessary for you when  
 6 you needed to adopt or amend or delete a policy to  
 7 seek the approval of a legislative body to do that?  
 8 A. The Board of Public Safety had oversight.  
 9 So I would present it to the Board of Public Safety.  
 10 Q. Right. But you would not take your  
 11 policies to the legislature, would you?  
 12 A. No, sir.  
 13 Q. Nor to the governor?  
 14 A. No, sir.  
 15 Q. And so it would not be usual for a chief  
 16 of police who's the department head to take policy  
 17 changes to a city council, would it? That would not  
 18 be usual?  
 19 A. I don't think an appointed police chief --  
 20 when I was overseeing the Board of Public Safety,  
 21 they had to approve any changes or amendments I made  
 22 to policies. So I would think a city police chief  
 23 would need the blessings of the local government body  
 24 to amend or adopt changed policies.  
 25 Q. All right. You say you would think.

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1 You're not stating that as an opinion in this case,  
 2 are you?  
 3 A. No. That's -- that's -- I would certainly  
 4 hope that would be the way it works.  
 5 Q. Well, a city council is a group of elected  
 6 people just like the state legislature. They are  
 7 legislative and they are political in that they're  
 8 elected. So --  
 9 A. Well, I don't think you're comparing  
 10 apples to apples. That's just my opinion.  
 11 Q. Okay. But that -- your opinion doesn't  
 12 hinge -- your opinions as to the propriety of  
 13 anything that Chief Minter did does not hinge on  
 14 whether policies were reviewed or approved by the  
 15 city council of Savannah?  
 16 A. No. No.  
 17 Q. Thank you. Now, in your review of the  
 18 materials, you became aware that there was a  
 19 disciplinary review board that also made  
 20 recommendations regarding discipline on Mr. Kang for  
 21 his involvement in the Faitele incident; correct?  
 22 A. Correct.  
 23 Q. And I just want to make sure I'm clear.  
 24 You are not disagreeing with the opinions of the  
 25 disciplinary review board members that Mr. Kang's

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1 actions merited some form of discipline. You are 2 just disagreeing with termination as the ultimate 3 sanction; correct?	1 charged with murder, I've got to leave him out there 2 on the street without taking any disciplinary action?	
4 A. That's my opinion.	3 A. No, sir. No, sir. I do not -- I do not	
5 MR. SAVAGE: Well, I don't want to have 6 too many objections. I'm going to ask him 7 another opinion based on Barefield's testimony. 8 So you'll see --	4 think putting someone on administrative leave during 5 a criminal investigation is any form of disciplinary 6 action. Does that answer -- does that clear it up 7 for you?	
9 MR. O'CONNOR: I'm sorry, Brent. The mike 10 must be far away from you.	8 Q. Possibly.	
11 MR. SAVAGE: Yeah. I'm going to ask him 12 an opinion on Barefield's testimony. It's our 13 position there never should have been a board 14 discipline on anybody once Barefield reached the 15 conclusion that these people had criminal, 16 potential criminal problems.	9 A. Okay.	
17 MR. O'CONNOR: That's fine. You can make 18 your arguments. I need to --	10 Q. All right. Let's go ahead with my 11 question.	
19 MR. SAVAGE: Well, I'm just going to get 20 an opinion from him. That's okay. Go ahead.	12 A. Yes, sir.	
21 MR. O'CONNOR: When you say you're going 22 to ask for an opinion, you mean here today or 23 later?	13 Q. If Mr. Savage has questions, I may have a 14 few more.	
24 MR. SAVAGE: Yeah, today. And I'll put it 25 in his report. And you can take his deposition,	15 A. Yes, sir.	
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	44	46
1 Pat. It's not fair to just spring it on you. 2 But it's our position once Barefield found that 3 there were criminal problems, there never should 4 have been any discipline attempted by Minter, by 5 Monahan, by the chain of command. Once they 6 said that there were criminal problems, that's 7 against the law to go forward.	1 correct?	
8 A. I wasn't asked that question previously, 9 but I was prepared for it. I certainly wish he had 10 expounded more on the criminal complaint. That would 11 have, certainly should have --	2 A. No, sir.	
12 MR. SAVAGE: Ended it.	3 Q. Did you see in the record that Monahan put 4 down his own reasons for the termination of Kang's 5 employment or were you aware of that?	
13 A. -- ended it right there.	6 A. I don't recall what Monahan saw 7 recommendation-wise.	
14 Q. (By Mr. O'Connor) Are you saying that 15 once -- and let's stick with police officers --	8 Q. All right. So as we sit here today, 9 you're not criticizing or complimenting Mr. Monahan's 10 decision one way or the other; correct?	
16 A. Yes, sir.	11 A. No, sir.	
17 Q. -- the police officer has criminal charges 18 pending against them, that the department for which 19 that officer works at that point can't take any 20 disciplinary action while the criminal charges are 21 pending?	12 Q. I'm not sure that came out right. Are you 13 giving an opinion about the propriety of 14 Mr. Monahan's recommendations to today?	
22 A. They can't.	15 A. Well, since we've opened up the subject, 16 it should have never gone that far. So . . .	
23 Q. They can or cannot?	17 Q. I get that. I understand that, that you 18 have your opinions. But whatever decision or 19 whatever recommendations Monahan made, you are not 20 criticizing today; correct?	
24 A. Cannot.	21 A. I can't criticize or agree.	
25 Q. So if I have a police officer who is	22 Q. Thank you. And so that would include that 23 you don't have an opinion as we sit here today that 24 Mr. Monahan took action against Officer Kang based on 25 his participation in the human resources complaint	
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1 against Minter; correct?  
 2 A. I can't answer that, sir.  
 3 Q. Thank you. I want to make clear, make my  
 4 understanding clear that in regards to the city, you  
 5 are not giving an opinion that the city of Savannah  
 6 violated any of Mr. Kang's procedural due process;  
 7 right?

8 MR. SAVAGE: That's a -- that's a legal  
 9 conclusion.

10 MR. O'CONNOR: It may be. And so I just  
 11 want to make sure he doesn't have an opinion on  
 12 it.

13 A. I can't answer that, sir.

14 Q. (By Mr. O'Connor) Thank you. Do you know  
 15 whether Mr. Kang ever filed a claim in the Superior  
 16 or State Court, either State Court or Superior Court  
 17 of Georgia seeking a writ of mandamus?

18 A. I'm not aware of that, sir.

19 MR. O'CONNOR: Mr. Vowell, that's all I  
 20 have subject to coming back and asking more if  
 21 there are additional questions asked by the  
 22 other lawyers.

23 THE WITNESS: Thank you, sir.

24 MR. SAVAGE: I've got just a few and then  
 25 you guys may have more.

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48 EXAMINATION

1 BY MR. SAVAGE:

2 Q. I want you to assume that in a deposition  
 3 of Captain Barefield, who was part of the IA task  
 4 force, that he reached the conclusion that Kang and  
 5 Arango had potential criminal problems in this case.  
 6 And rather than advising them of that -- they never  
 7 told Kang or Arango that -- they continued on down  
 8 two parallel train tracks, one to get them indicted,  
 9 and the other one to disciplining them internally.

10 Knowing what you know about police work,  
 11 do you consider it appropriate not to reveal to the  
 12 two officers that you feel they've committed crimes  
 13 and putting them through a civil procedure where you  
 14 gain more information to use against them eventually  
 15 in criminal actions to get them indicted in the grand  
 16 jury? Should that ever happen?

17 A. That should never happen.

18 MR. O'CONNOR: Before -- I'm sorry.

19 Before you -- I was trying to make an objection  
 20 before you answered.

21 MR. SAVAGE: Sure. Go ahead.

22 MR. O'CONNOR: I'll just object to the  
 23 form of the question.

24 MR. SAVAGE: Okay.

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1 Q. (By Mr. Savage) The other thing is  
 2 they -- they put Kang on the streets despite the  
 3 five-day recommendation. And they admit, you know,  
 4 Gavin is the assistant chief that Minter wholesaled  
 5 in getting these guys the policies into place of the  
 6 city of Savannah.

7 Have you ever seen senior officers or a  
 8 deputy chief say that we didn't use proper  
 9 procedures. We didn't give them Douglas Factors. We  
 10 did not give them letter of transmittal setting out  
 11 the charges. We believed that they may have criminal  
 12 problems as Barefield testified.

13 Have you ever seen people go after people  
 14 like that and then try to say, oh, well, forget about  
 15 Minter. Monahan could cure all these problems  
 16 despite not advising him of potential criminal  
 17 violations, not advising him of colluding with the  
 18 district attorney's office to indict these people.

19 Have you ever seen that happen?

20 MR. O'CONNOR: Object to form.

21 A. No, sir, I have not.

22 Q. (By Mr. Savage) Do you think that's  
 23 right?

24 A. Absolutely not. No, sir.

25 Q. I mean, we put these guys on the street to  
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1 get shot at. I can't count how many times that they  
 2 got sworn at by Faitele. Faitele is a federal  
 3 criminal, federal felon. He stole money from all  
 4 taxpayers in the United States by making up a barber  
 5 shop, and, yet, we're protecting these guys. And we  
 6 say, well, Monahan had the last say-so.

7 Have you ever heard a city manager say  
 8 it's okay to break our own rules, it's okay not to  
 9 advise our employees that we're going after them  
 10 criminally, and I'm going to cure it all? Have you  
 11 ever seen a city manager try to do that?

12 MR. O'CONNOR: Object to form.

13 A. No, sir.

14 Q. (By Mr. Savage) I mean, do you think  
 15 that's right?

16 A. No, sir.

17 MR. SAVAGE: That's all I got. Thank you,  
 18 guys. And, Pat and Shawn, I mean, I'm going to  
 19 amend his report. You can take more deposition.  
 20 I don't want to -- I mean, I don't think it's  
 21 fair. I do think fairness is important. I  
 22 think Shawn thinks it's important. He just  
 23 misspoke.

24 MR. O'CONNOR: I don't have any further  
 25 questions today.

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## DISCLOSURE OF NO CONTRACT

1                   **MR. SAVAGE:** Okay. But you can take it  
 2 again when I amend the report. I get it. And I  
 3 think Shawn's a fair guy. He just misspoke.  
 4  
 5                   **MR. O'CONNOR:** And we'll see if we need to  
 6 come back after we see his amended report.

7                   **MR. SAVAGE:** Okay.

8                   (Deposition concluded at 3:33 p.m.)

9                   (Pursuant to Rule 30(e) of the Federal  
 10 Rules of Civil Procedure and/or O.C.G.A. 9-11-30(e),  
 11 signature of the witness has been reserved.)

2                   I, Debbie Gilbert, do hereby disclose  
 3 pursuant to Article 10.B of the Rules and Regulations  
 4 of the Board of Court Reporting of the Judicial  
 5 Council of Georgia that Gilbert & Jones, Inc. was  
 6 contacted by Shawn A. Kachmar, Esquire, to provide  
 7 court reporting services for these proceedings and  
 8 there is no contract that is prohibited by O.C.G.A.  
 9 15-14-37(a) and (b) or Article 7.C. of the Rules and  
 10 Regulations of the Board for the taking of these  
 11 proceedings.

12                   There is no contract to provide reporting  
 13 services between Gilbert & Jones, Inc. or any person  
 14 with whom Gilbert & Jones, Inc. has a principal and  
 15 agency relationship nor any attorney at law in this  
 16 action, party to this action, party having a  
 17 financial interest in this action, or agent for an  
 18 attorney at law in this action, party to this action,  
 19 or party having a financial interest in this action.  
 20 Any and all financial arrangements beyond our usual  
 21 and customary rates have been disclosed and offered  
 22 to all parties.

23                   This 12th day of January, 2023.

*Debbie Gilbert*

16                   Debbie Gilbert, FIRM  
 17 REPRESENTATIVE  
 18 Gilbert & Jones, Inc.

25                   GILBERT & JONES

52                   CERTIFICATE OF COURT REPORTER

1                   **STATE OF GEORGIA:**  
 2                   **COUNTY OF CHATHAM:**

3                   I hereby certify that the foregoing  
 4 transcript was reported as stated in the caption and  
 5 the questions and answers thereto were reduced to  
 6 writing by me; that the foregoing 51 pages represent  
 7 a true, correct, and complete transcript of the  
 8 evidence given on Wednesday, December 21, 2022, by  
 9 the witness, GARY VOWELL, who was first duly sworn by  
 10 me.

11                   I certify that I am not disqualified  
 12 for a relationship of interest under  
 13 O.C.G.A. 9-11-28(c); I am a Georgia Certified Court  
 14 Reporter here as an employee of Gilbert & Jones, Inc.  
 15 who was contacted by Shawn A. Kachmar, Esquire, to  
 16 provide court reporting services for the proceedings;  
 17 I will not be taking these proceedings under any  
 18 contract that is prohibited by O.C.G.A. 15-14-37(a)  
 19 and (b) or Article 7.C. of the Rules and Regulations  
 20 of the Board; and by the attached disclosure form I  
 21 confirm that neither I nor Gilbert & Jones, Inc. are  
 22 a party to a contract prohibited by  
 23 O.C.G.A. 15-14-37(a) and (b) or Article 7.C. of the  
 24 Rules and Regulations of the Board.

25                   This 12th day of January, 2023.

*Annette Pacheco*  
 25                   Annette Pacheco, CCR-B-2153

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54                   1   **DEPOSITION OF: GARY VOWELL/AP**

2                   2   I do hereby certify that I have read all  
 3   questions propounded to me and all answers given by  
 4   me on December 21, 2022, taken before  
 5   Annette Pacheco, and that:

6                   4    1) There are no changes noted.  
 7                   5    2) The following changes are noted:

8                   6    Pursuant to Rule 30(e) of the Federal Rules of  
 9   Civil Procedure and/or the Official Code of Georgia  
 10   Annotated 9-11-30(e), both of which read in part:  
 11   Any changes in form or substance which you desire to  
 12   make shall be entered upon the deposition...with a  
 13   statement of the reasons given...for making them.  
 14   Accordingly, to assist you in effecting corrections,  
 15   please use the form below:

16                   11   Page No. \_\_\_\_ Line No. \_\_\_\_ should read: \_\_\_\_\_

17                   12   Reason for Change \_\_\_\_\_

18                   13   Page No. \_\_\_\_ Line No. \_\_\_\_ should read: \_\_\_\_\_

19                   14   Reason for Change \_\_\_\_\_

20                   15   Page No. \_\_\_\_ Line No. \_\_\_\_ should read: \_\_\_\_\_

21                   16   Reason for Change \_\_\_\_\_

22                   17   Page No. \_\_\_\_ Line No. \_\_\_\_ should read: \_\_\_\_\_

23                   18   Reason for Change \_\_\_\_\_

24                   19   Page No. \_\_\_\_ Line No. \_\_\_\_ should read: \_\_\_\_\_

25                   20   Reason for Change \_\_\_\_\_

21                   21   Page No. \_\_\_\_ Line No. \_\_\_\_ should read: \_\_\_\_\_

22                   22   Reason for Change \_\_\_\_\_

23                   23   Page No. \_\_\_\_ Line No. \_\_\_\_ should read: \_\_\_\_\_

24                   24   Reason for Change \_\_\_\_\_

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1 **DEPOSITION OF: GARY VOWELL/AP**

2 **Page No. \_\_\_ Line No. \_\_\_ should read:\_\_\_\_\_**

3 **Reason for Change\_\_\_\_\_**

4 **Page No. \_\_\_ Line No. \_\_\_ should read:\_\_\_\_\_**

5 **Reason for Change\_\_\_\_\_**

6 **Page No. \_\_\_ Line No. \_\_\_ should read:\_\_\_\_\_**

7 **Reason for Change\_\_\_\_\_**

8 **Page No. \_\_\_ Line No. \_\_\_ should read:\_\_\_\_\_**

9 **Reason for Change\_\_\_\_\_**

10 **Page No. \_\_\_ Line No. \_\_\_ should read:\_\_\_\_\_**

11 **Reason for Change\_\_\_\_\_**

12 **Page No. \_\_\_ Line No. \_\_\_ should read:\_\_\_\_\_**

13 **Reason for Change\_\_\_\_\_**

14 **If supplemental or additional pages are necessary,  
please furnish same in typewriting annexed to this  
deposition.**

15

16 **GARY VOWELL**

17 **Sworn to and subscribed before me,  
This the \_\_\_ day of \_\_\_ , 20\_\_\_.**

18 **Notary Public**

19 **My commission expires: \_\_\_\_\_**

20 **Please forward corrections to:**

21 **Gilbert & Jones, Inc.  
P. O. Box 14515  
Savannah, GA 31416  
(912) 355-0320  
GILBERT & JONES**